



General Assembly

January Session, 2023

Committee Bill No. 6386

LCO No. 3532



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

***AN ACT CONCERNING SAFEGUARDING THE RIGHTS, HEALTH,
FINANCES AND QUALITY OF LIFE OF NURSING HOME RESIDENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2023*) The Commissioner of Social
2 Services shall ensure that the Department of Social Services (1) renders
3 a final decision on a Medicaid applicant's eligibility promptly and
4 without undue delay in accordance with section 17b-80 of the general
5 statutes, and (2) provides written notice to such applicant of the
6 department's final decision not later than fifteen calendar days after
7 such decision is rendered.

8 Sec. 2. (NEW) (*Effective July 1, 2023*) For purposes of this section (1)
9 "nursing home facility" means a chronic and convalescent nursing home
10 and a rest home with nursing supervision, and (2) "action to recover
11 costs" includes, but is not limited to, placing a lien on real property of a
12 Medicaid applicant. A nursing home facility shall not take any action to
13 recover costs from a Medicaid applicant residing in such facility until a
14 final decision has been rendered by the Department of Social Services
15 on such applicant's Medicaid eligibility and such applicant has
16 exhausted all appeal rights pursuant to sections 17b-60 and 17b-61 of the

17 general statutes.

18 Sec. 3. Subsection (a) of section 17b-340e of the general statutes is
19 repealed and the following is substituted in lieu thereof (*Effective July 1,*
20 *2023*):

21 (a) In addition to any applicable recoupment or rate decrease
22 pursuant to any other provision of the general statutes, a nursing home
23 facility that receives a rate increase for wage enhancements for facility
24 employees may also be assessed a civil penalty if the facility fails to use
25 the rate increase for that purpose. The Department of Social Services
26 may assess a civil penalty upon completion of a department audit
27 conducted in accordance with the nursing home facility's Medicaid
28 provider enrollment agreements. The civil penalty assessed pursuant to
29 this section shall not exceed an amount greater than [fifty] seventy-five
30 per cent of the total dollar amount of the rate increase received by the
31 nursing home facility but not used for wage enhancements for facility
32 employees.

33 Sec. 4. Subsection (a) of section 19a-494 of the general statutes is
34 repealed and the following is substituted in lieu thereof (*Effective July 1,*
35 *2023*):

36 (a) The Commissioner of Public Health, after a hearing held in
37 accordance with the provisions of chapter 54, may take any of the
38 following actions, singly or in combination, in any case in which the
39 commissioner finds that there has been a substantial failure to comply
40 with the requirements established under this chapter, the Public Health
41 Code or licensing regulations:

- 42 (1) Revoke a license or certificate;
- 43 (2) Suspend a license or certificate;
- 44 (3) Censure a licensee or certificate holder;
- 45 (4) Issue a letter of reprimand to a licensee or certificate holder;

46 (5) Place a licensee or certificate holder on probationary status and
 47 require him to report regularly to the department on the matters which
 48 are the basis of the probation;

49 (6) Restrict the acquisition of other facilities for a period of time set
 50 by the commissioner;

51 (7) Issue an order compelling compliance with applicable statutes or
 52 regulations of the department; [or]

53 (8) Assess a civil penalty against a licensee or certificate holder; or

54 ~~[(8)]~~ (9) Impose a directed plan of correction.

55 Sec. 5. Subsection (a) of section 19a-562h of the general statutes is
 56 repealed and the following is substituted in lieu thereof (*Effective July 1,*
 57 *2023*):

58 (a) If the Commissioner of Public Health finds that a nursing home
 59 facility has substantially failed to comply with a nursing home facility
 60 staffing level requirement established pursuant to the regulations of
 61 Connecticut state agencies, the commissioner may (1) take any
 62 disciplinary action against the nursing home facility permitted under
 63 section 19a-494, as amended by this act, including, but not limited to,
 64 assessing a civil penalty against the licensee of such nursing home
 65 facility, and (2) issue or cause to be issued a citation to the licensee of
 66 such nursing home facility pursuant to the provisions of section 19a-524.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2023</i>	New section
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>July 1, 2023</i>	17b-340e(a)
Sec. 4	<i>July 1, 2023</i>	19a-494(a)
Sec. 5	<i>July 1, 2023</i>	19a-562h(a)

Statement of Purpose:

To require timely eligibility determinations for Medicaid applicants, require notification of such determinations to such applicants, prohibit nursing homes from taking steps to recover costs of care until Medicaid eligibility is determined and heighten penalties for nursing homes that misuse state funds earmarked for staff wage enhancements or violate minimum staffing requirements.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. WALKER, 93rd Dist.

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